

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
v.	:	
JAY BERGER	:	NO. 07-155

ORDER

AND NOW, this 19th day of May, 2010, it is hereby ORDERED as follows:

1. The Government's Motion to Dismiss the Petition (Doc. No. 65) is hereby GRANTED, as the Defendant in his plea agreement waived the right to present any collateral challenge to his conviction and sentence, and has not alleged any miscarriage of justice sufficient to overcome that waiver. See United States v. Khattak, 273 F.3d 557 (3d Cir. 2001).
2. The Defendant's Motion for Reconsideration (Doc. No. 62) is DENIED.
3. A certificate of appealability is DENIED.

BY THE COURT:

/s/ Michael M. Baylson

Michael M. Baylson, U.S.D.J.